IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31453 of 2007(T)

PETITIONER:

KOMALAN, AGED 44 YEARS,
S/O. CHANDRANANDAN, MUDIPPURAVILA PUTHENVEETTIL,
KUTTACHALKUZHI P.O., VENGANOOR,THIRUVANANTHAPURAM
DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, TAXES (A) DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

3. THE ASST.EXCISE COMMISSIONER,
EAST FORT, THIRUVANANTHAPURAM.

4. THE CIRCLE INSPECTOR OF EXCISE,
THIRUVANANTHAPURAM.

5. THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
ULLOOR, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 31453 of 2007

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Dated this the 23rd day of October, 2007

JUDGMENT

Petitioner has approached this court for a direction to respondents 1 to 4 to permit the petitioner to conduct Toddy Shop No.25 in Thiruvananthapuram Excise Range in Thiruvananthapuram Division in terms of Ext.P1 license.

2. Heard learned Government Pleader also.

3. Case of the petitioner is that the petitioner is stopped from conducting the toddy shop by an oral direction without written order. He relies on Ext.P4 judgment also.

4. Learned Government Pleader on instructions submits that this is for the reason that the petitioners are not willing to employ the redeployed workers in terms of Rule 4(2). Learned counsel for the petitioner submits that the petitioner is prepared to engage the redeployed workers in terms of the conditions in the license and in terms of the Rules.

In such circumstances, the writ petition is disposed of directing

respondents 1 to 4 to permit the petitioner to conduct Toddy shop No.25 in Thiruvananthapuram Excise Range in Thiruvananthapuram Division subject to the condition that the petitioner engages the redeployed workers in terms of the license conditions and Rules. Should there be any violation, it will be open to respondents 1 to 4 to issue written orders in accordance with law.

(K.M. JOSEPH, JUDGE)

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